

### **REMARKS**

This is a full and timely response to the final Office Action mailed on January 25, 2007. Through this response, Applicants have amended independent claims 1 and 26 and dependent claims 8 and 34, and have canceled claim 7 without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims 1-3, 5-6, 8-24, 26, 28-31, and 33-38 is respectfully requested.

#### **I. Claim Rejections - 35 U.S.C. § 103(a)**

##### **A. Rejection of Claims**

Claims 1-3, 5-10, 14-22, 26, 28-31, 33, and 36-38 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,088,722 to Herz ("*Herz*") in view of U.S. Patent Publication No. 2002/0073425 to Arai ("*Arai*") and U.S. Patent No. 6,192,340 to Abecassis ("*Abecassis*"). Claims 11-13 and 34-35 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Herz* in view of *Arai* and *Abecassis* and further in view of U.S. Patent No. 6,216,264 to Maze ("*Maze*"). Claim 23 has been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Herz* in view of *Arai* and U.S. Patent No. 6,441,832 to Tao ("*Tao*") and *Abecassis* in view of U.S. Patent No. 4,393,502 to Tanaka et al ("*Tanaka*"). Claim 24 has been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Herz* in view of *Arai* and *Abecassis* and further in view of U.S. Patent No. 5,729,280 to Inoue ("*Inoue*"). Applicants respectfully traverse these rejections, where they have not been rendered moot through amendment, as set forth below.

## B. Discussion of the Rejection

The M.P.E.P. § 2100-116 states:

Office policy is to follow *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), in the consideration and determination of obviousness under 35 U.S.C. 103. . . the four factual inquiries enunciated therein as a background for determining obviousness are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

In the present case, it is respectfully submitted that a *prima facie* case for obviousness is not established using the art of record.

### Independent Claim 1

Claim 1 recites (with emphasis added):

1. A media system, comprising:
  - a memory to store media information characterizing media instances to be provided among a plurality of media streams; and
  - a processor configured to execute logic to:
    - provide a user interface, **wherein the user interface is configured as a plurality of screen displays, to enable a user to create, define and modify a media presentation of the media instances** from the plurality of media streams, in advance of a time corresponding to the media presentation, by ranking media information categories and by selecting and ranking desired media information within at least one of the media information categories;
    - continually and automatically segue media stream changes among the plurality of the media streams containing the media instances;** and
    - dynamically extract from the segued media streams the media instances to present a user defined media presentation according to a defined order of the media instances** based on the ranked media information categories and the selection and ranking of the desired media information within the at least one of the media information categories.

Applicants have amended claim 1, and thus believe the rejection to be rendered moot. Additionally, Applicants respectfully submit that *Herz* in view of *Arai* and *Abecassis* fails to disclose, teach, or suggest at least the above emphasized claim

features. Accordingly, Applicants respectfully request that the rejection to independent claim 1 be withdrawn.

Because independent claim 1 is allowable over that *Herz* in view of *Arai* and *Abecassis*, dependent claims 2-3, 5-6, 8-10, and 14-22 are allowable as a matter of law for at least the reason that the dependent claims 2-3, 5-6, 8-10, and 14-22 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

### Independent Claim 26

Claim 26 recites (with emphasis added):

26. A method for presenting a user-defined media presentation, the method comprising:

***providing a user interface, wherein the user interface is configured as a plurality of screen displays,*** to a user to receive user definition of media information that characterizes media instances for the media presentation by providing a plurality of screen displays for receiving user input that defines the order of the media instances within the media presentation with increasing detail by, in advance of a time corresponding to the media presentation, ranking media information categories and by selecting and ranking desired media information within at least one of the media information categories;

***storing the user-defined media information in a data structure;***  
searching for the media corresponding to the user-defined media information among a plurality of media streams;

***automatically segueing media stream changes among the plurality of media streams to present the media instances; and***  
***dynamically extracting from the segued media streams the media instances corresponding to the user-defined media information for presentation in the defined order,*** the defined order based on the ranked media information categories and the selection and ranking of the desired media information within the at least one of the media information categories.

Applicants have amended claim 26, and thus believe the rejection to be rendered moot. Additionally, Applicants respectfully submit that *Herz* in view of *Arai* and *Abecassis* fails to disclose, teach, or suggest at least the above emphasized claim

features. Accordingly, Applicants respectfully request that the rejection to independent claim 26 be withdrawn.

Because independent claim 26 is allowable over *Herz* in view of *Arai* and *Abecassis*, dependent claims dependent claims 28-31, 33, and 36-38 are allowable as a matter of law.

#### **Claims 11 – 13 and 34 - 35**

As explained above, Applicants submit that independent claims 1 and 26 are allowable over *Herz* in view of *Arai* and *Abecassis*. Applicants respectfully submit that *Maze* fails to remedy the deficiencies of *Herz*, *Arai*, and *Abecassis*. Thus, Applicants respectfully submit that claims 1 and 26 are allowable over *Herz*, *Arai*, *Abecassis*, and *Maze*. Further, Applicants respectfully submit that for at least the reasons that claims 11-13 and 34-35 incorporate allowable claim features of their respective base claims, claims 11-13 and 34-35 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection be withdrawn.

#### **Claim 23**

As explained above, Applicants submit that independent claim 1 is allowable over *Herz* in view of *Arai* and *Abecassis*. Applicants respectfully submit that *Tao* and *Tanaka* fail to remedy the deficiencies of *Herz*, *Arai*, and *Abecassis*. Thus, Applicants respectfully submit that claim 1 is allowable over *Herz*, *Arai*, *Abecassis*, *Tao*, and *Tanaka*. Further, Applicants respectfully submit that for at least the reason that claim 23 incorporates allowable claim features of its respective base claim, claim 23 is allowable as a matter of law. Hence, Applicants respectfully request that the rejection be withdrawn.

#### **Claim 24**

As explained above, Applicants submit that independent claim 1 is allowable over *Herz* in view of *Arai* and *Abecassis*. Applicants respectfully submit that *Inoue* fails to remedy the deficiencies of *Herz*, *Arai*, and *Abecassis*. Thus, Applicants respectfully submit that claim 1 is allowable over *Herz*, *Arai*, *Abecassis*, and *Inoue*. Further, Applicants respectfully submit that for at least the reason that claim 24 incorporates allowable claim features of its respective base claim, claim 24 is allowable as a matter of law. Hence, Applicants respectfully request that the rejection be withdrawn.

#### **II. Canceled Claim**

As identified above, claim 7 has been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicants reserve the right to present this canceled claim, or variants thereof, in continuing applications to be filed subsequently.

**CONCLUSION**

Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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